

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED
02 FEB 28 PM 2:47
CLERK OF U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
MS

CARLOS R. RIVASPLATA et. al.) Case No. C 08-0490 MES
C/o 2901 Seriana Place,) VERIFIED NOTICE OF DEFAULT
Union City, California Zip Code)
Exempt,)
Libellant,)
vs.)
OCWEN et. Al.)
C/o P.O. Box 785056)
Orlando, Florida [32878])
Libellee,)

VERIFIED NOTICE OF DEFAULT

Now, by special appearance, comes Carlos Rivasplata, the flesh and blood man, Sui Juris and unschooled in law, hereinafter referred to as me, my, I, or the like, to make the following AFFIDAVIT with clean hands, full disclosure and no intent to defraud, furthermore, the following first hand asseverations are true, complete, certain and not meant to mislead or delay.

- 1.) I am of legal age, competent to testify and under no legal disability.
- 2.) Libellant has filed an action for declaratory judgment as a result of libellee's breach of agreement.
- 3.) Libellant has exhausted his administrative remedies in this

instant matter.

4.) Libellant seeks a default judgment as libellees have failed to rebut the complaint.

5.) Libellees have failed to ask for a more definitive statement and are in agreement with libellant.

OVERVIEW OF FACTS

6.) On 8/31/07 Libellees sent a presentment to me demanding payment of a sum certain.

7.) I conditionally accepted that presentment upon OCWEN'S continuing fiduciary duty to deal honestly and answer questions about the underlying obligation.

10.) I then sought to exhaust my administrative remedies.

11.) On January 23rd I filed suit in UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, Case number C 08-0490 MES with the administrative procedure attached.

12.) THE RECORD shows that OCWEN received service of summons on the 31 day of January 2008, see attached postal form 3811, certified mail number RA465343601US.

13.) The RECORD shows that OCWEN has refused and/or failed to appear and defend.

14.) Twenty-eight days have passed since Case number C 08-0490 MES was filed.

15.) OCWEN has remained silent.

16.) OCWEN is not an infant or incompetent person.

17.) The RECORD shows that no request for a more definitive statement was executed by OCWEN.

18.) Federal Rules of Civil Procedure provide for default judgment by the clerk for a failure to appear and defend [rule 55(a)].

19.) The Protest evidences OCWEN'S agreement, consent and stipulation to my position.

20.) OCWEN is in default.

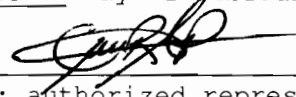
21.) A default judgment by the clerk establishing OCWEN'S default is appropriate.

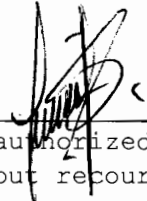
22.) A sum certain amount of USD 38,505,481.56 is due and owing libellant by libellee.

23.) OCWEN and/or any other interested party has three days from the verified receipt of this VERIFIED NOTICE OF DEFAULT to rebut this AFFIDAVIT item by item and line by line or be forever esstopped by default.

My yea is my yea and my nay is my nay.

Dated this 28 day of February, 2008


By: authorized representative
Without recourse


By: authorized representative
Without recourse

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CARLOS R. RIVASPLATA

C/o 2901 Seriana Place,

Union City, California Zip Code

Exempt,

Libellant,

VS.

OCWEN et. Al.

C/o P.O. Box 785056

Orlando, Florida [32878]

Libellee,

CERTIFICATE OF SERVICE

Now, by special appearance, comes Carlos Rivasplata, the flesh and blood man, Sui Juris and unschooled in law, hereinafter referred to as me, my, I, or the like, to make the following NOTICE with clean hands, full disclosure and no intent to defraud, furthermore, the following first hand asseverations are true, complete, certain and not meant to mislead.

NOTICE is hereby given that:

11.) I am of legal age, competent to testify and under no legal disability.

1 12.) This is to certify that on February 28, 2008 I placed a true and
2 accurate copy of the enclosed VERIFIED NOTICE OF DEFAULT in the U. S.
3 mail with postage prepaid and addressed as follows:

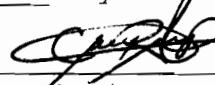
4 OCWEN et. Al.


5 C/o P.O. Box 785056 Suite 200

6 Orlando, Florida [32878]

7 With certified mail number 7006 3450 0001 7281 7678.

8
9 Dated this 28 day of February, 2008

10 
11 By: authorized representative
12 Without recourse

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15 By: authorized representative
16 Without recourse
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